



Atty. Dkt. No. 077319-0390

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph M. ELLISON et al.
Title: COMPOSITIONS AND METHODS FOR THE TREATMENT
OF PRIMARY AND METASTATIC NEOPLASTIC
DISEASES USING ARSENIC COMPOUNDS
Appl. No.: 10/698,625
Filing Date: 11/3/2003
Examiner: Unassigned
Art Unit: 1616

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith on Form PTO/SB/08 a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 09/173,531, filed 10/15/1998. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

The relevance of the majority of the foreign-language documents is explained in the parent application.

Further, some of the documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding European applications. A copy of each of the European Search Reports is attached setting forth the portion of each document considered relevant by the examiner. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609).

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

19 May 2004

FOLEY & LARDNER LLP

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By

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Stephen A. Bent

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: May 19, 2004

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Sheet 1 of 7

Complete if Known

Application Number	10/698,625
Filing Date	11/03/2003
First Named Inventor	Ralph M. ELLISON
Group Art Unit	1616
Examiner Name	Unassigned
Attorney Docket Number	077319-0390

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		132,275		Gettings	10/15/1872	
		232,807		Dennett	10/05/1886	
		3,700,498		Kanazawa et al.	10/24/72	
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		08/702,011		Zhang	Fld: 8/23/96	

FOREIGN PATENT DOCUMENTS

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			JP-51-88620			03/08/76		
			WO 95/01789			1/19/95		
			CN 1133725 A			10/23/96		
			CN 1131037 A			9/18/96		
			CN 1122700 A			5/22/96		
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			FR 2 699 820		Eric PICHOT	12/24/1992		

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		First Named Inventor	Ralph M. ELLISON
		Group Art Unit	1616
		Examiner Name	Unassigned
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		Attorney Docket Number	077319-0390

NON PATENT LITERATURE DOCUMENTS			
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		"Arsen (III) – Sulfid As ₂ S ₂ ", Gmelin's Arsenic, 8 th . Edition, 17:422-433, 1952.	
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NON PATENT LITERATURE DOCUMENTS			
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		Forkner et al., "Arsenic as a therapeutic agent in chronic myelogenous leukemia", Jour. A.M.A. 97(1)3-5, 1931.	
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		USP Dictionary of USAN and International Drug Names, United States Pharmacopeial Conventions, Inc., Rockville Md., p. 59, November 1995		
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: May 19, 2004 <i>(use as many sheets as necessary)</i>		Application Number	10/698,625
		Filing Date	11/03/2003
		First Named Inventor	Ralph M. ELLISON
		Group Art Unit	1616
		Examiner Name	Unassigned
Sheet	7	of	7
		Attorney Docket Number	077319-0390

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
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